

UNITED STATES COURT OF APPEALS
NINTH CIRCUIT

No. 20667

JESS H. NICHOLAS, JR., Appellant

v.

SECRETARY OF THE DEPARTMENT OF INTERIOR,
AND THE UNITED STATES OF AMERICA,

Appellee

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

SUPPLEMENTAL BRIEF FOR THE APPELLANT

FILED

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Attorneys for Appellant

Department of the Interior are entitled to special consideration by appellate courts but that homesteaders are not entitled to any consideration by appellate courts. This argument implies that the homesteader is at the mercy of the Department of the Interior. The cases previously cited by Appellant indicate that this argument of the Appellee is without foundation. Much like the American Negro, it is now apparent that Appellant will not obtain justice from the Department of the Interior and must turn to the courts for relief. There is no other agency from which he can obtain redress for the actions of the Department of Interior which have violated the due process clause of the United States Constitution. See Bolling v. Sharpe, 347 U.S. 497, 982 L. ed. 884 (1954).

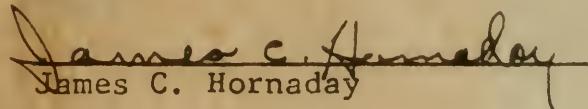
Appellant takes his stand as only one man against all of the forces which are now being asserted against him by the United States of America, Department of the Interior. Appellant has satisfied the necessary requirements to gain title to this homestead. The Department of the Interior has attempted to apply regulations against Appellant which do not even apply to Alaska.

The Department's decision rejecting Appellant's homestead final proof cites a portion of the regulations which

filed by Appellant. Accordingly, Appellant should not be subjected to a doctrine, the only justification for which is that the King of England could not be presumed to do wrong. See discussion in 2 Davis Administrative Law, §1701, et seq. Also see Moser v. United States. 341 U.S. 41, 71 S. Ct. 553, 95 L.ed. 729 (1951); Great Northern R. Co. v. Reed, 270 U.S. 539, 546-7, 70 L.ed. 721, 725, (1926); Hillstrand v. State, 395 P.2d 74, 77 (Alaska 1964); Knoble v. Orr, 27 L.D. 61 (1898).

Respectfully submitted,

FISHER & HORNADAY
Attorneys for Appellant



The signature is handwritten in black ink. It consists of the name "James C. Hornaday" written in a cursive script. A small flourish or initial "J" is present at the beginning of the name.

20 December, 1966.

